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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,129	09/30/1999	PAUL D. STARRETT	4515/84415	6404

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EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/410,129

Applicant(s)

STARRETT, PAUL D.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 August 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Allowable Subject Matter

The indicated allowability of claims 1-10, 18, and 20 is withdrawn in view of the further review of the reference(s) to Peden (US 5469813), Arthur (US 1797539), Bingold (US 5159728), and Geisinger (US 5193254). Rejections based on this further review of the reference(s) follow. The inconvenience to applicant is regretted.

Drawings

The corrected or substitute drawings were received on August 27, 2002. These drawings are not approved because the banding devices originally referred to by numerals 74, 86 in figures 7B and 8B are shown as ties with sockets in the images submitted September 30, 1999 and not as smooth bands as shown in the substitute drawings. The original drawings remain informal.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the toothed strap and toothed socket clasp along with the toothed socket clasp on the inside of the coil (claims 7 and 8) must be shown or the feature(s) canceled from the claim(s). The substitute drawings received August 27, 2002 fail to show this, too. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

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10, 48, 50, 60, 70, 72, 74, 80, 82, 84, and 86. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Election/Restrictions

Claims 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bingold (US 5159728).

Bingold (figure 1, 1a, 2) teaches disposable handcuff structure comprising two tightly coiled toothed straps 14, 16 and a two slot, toothed socket clasp 21 at about the midpoint of the straps as shown in figure 1. The slots 51, 52 are to permit the straps 14, 16 to be coiled so that the handcuff is more easily carried (col. 9, lines 39-51) and are not used when the handcuff is secured to a prisoner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peden (US 5469813) in view of Arthur (US 1797539) and Geisinger (US 5193254).

Peden (figure 2) teaches a tightly coiled restraint 10 for securing a prisoner by binding both legs together with the restraint 10 and the restraint 10 secured to handcuffs 80. The restraint 10 is tightly coiled so as to be easier to store. The stored configuration is made by rolling the restraint 10 into a coil. The difference is that it lacks a banding device to maintain the coil in place and the restraint is not a single coiled toothed strap with a single slot comprising a handcuff. However, Arthur (figures 1 and 2) teaches the use of a rubber band 1 to hold the coiled film together and maintain it from unwinding while the film is being stored. Arthur's teaching is an example of the well known use of banding devices to keep coiled material from unwinding when stored. Further, Geisinger (figures 1, 7, 9 and 13) teaches that it is well known to have a handcuff or angle restraint (col. 2, lines 52-56) comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner. Geisinger suggests that it is well known to utilize a restraint upon a prisoner that only restrains the hands as being desirable rather than one that immobilizes hands and feet so that the prisoner can still walk while having their hands restrained though the restraint can be used to restrain the feet if so desired.

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It would have been obvious to modify the tightly coiled restraint 10 of Peden so that it has a banding device to further aid in maintaining the stored configuration in view of Arthur teaching the use of a rubber band 1 to hold coiled material together so as to prevent it from unwinding when stored and to modify the prisoner restraint of Peden so that it is a handcuff that is coiled rather than a leg restraint joined to handcuffs in view of Geisinger teaching that it is well known to utilize handcuffs alone comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner while permitting the prisoner to walk. In regard to claims 5-8, Peden teaches the coiling of a prisoner restraint so as to have a more easily stored configuration. This teaching is applicable to the prisoner restraint of Geisinger so as to render it more easily storable, too. The placement of the socket clasp so as to be either on the inside or outside of the coil is inherent in coiling the restraint depending on which end the coil is begun and there is no advantage in beginning the coil from either end so that it would have been obvious to modify the coiled structure of Peden so as to coil the restraint of Geisinger from either end.

Claims 1, 2, 9, 10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingold (US 5159728) in view of Arthur (US 1797539).

Bingold (figure 1, 1a, 2) teaches disposable handcuff structure comprising two tightly coiled toothed straps 14, 16 and a two slot, toothed socket clasp 21 at about the midpoint of the straps as shown in figure 1. The slots 51, 52 are to permit the straps 14, 16 to be coiled so that the handcuff is more easily carried (col. 9, lines 39-51) and are not used when the handcuff is secured to a prisoner. The difference is that there is no

banding device to hold the coils in place. However, Arthur (figures 1 and 2) teaches the use of a rubber band 1 to hold the coiled film together and maintain it from unwinding while the film is being stored. Arthur's teaching is an example of the well known use of banding devices to keep coiled material from unwinding when stored. It would have been obvious to modify the structure of Bingold so as to further provide the added securement of an elastic band to hold the coils in place in view of Arthur teaching the use of a rubber band 1 to hold coiled material together so as to prevent it from unwinding when stored as being desirable to maintain the coiled material in the storage configuration.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peden (US 5469813) in view of Geisinger (US 5193254).

Peden (figure 2) teaches a tightly coiled restraint 10 for securing a prisoner by binding both legs together with the restraint 10 and the restraint 10 secured to handcuffs 80. The restraint 10 is tightly coiled so as to be easier to store. The stored configuration is made by rolling the restraint 10 into a coil. The difference is that the restraint is not a single coiled toothed strap with a single slot comprising a handcuff. However, Geisinger (figures 1, 7, 9 and 13) teaches that it is well known to have a handcuff or leg restraint (col. 2, lines 52-56) comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner. Geisinger suggests that it is well known to utilize a restraint upon a prisoner that only restrains the hands as being desirable rather than one that immobilizes hands and feet so that the prisoner can still walk while having their hands restrained. It would have been obvious to modify the tightly coiled restraint

10 of Peden so that it is a handcuff that is coiled rather than a leg restraint joined to handcuffs in view of Geisinger teaching that it is well known to utilize handcuffs alone comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner while permitting the prisoner to walk.

Response to Arguments

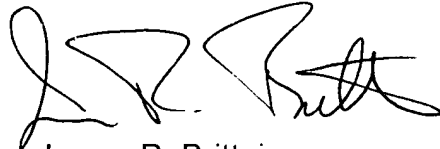
Applicant's arguments filed December 10, 2001 and August 27, 2002 have been fully considered but they are not persuasive. Peden is a primary reference that shows that it is desirable to coil prisoner restraints so that they can be stored more easily and therefore shows that coiling is a recognized solution to a storage problem in the prisoner restraint field of endeavor. Bingold also teaches coiling the straps of a handcuff for storage purposes (col. 9, lines 39-51). Arthur shows that the use of a rubber band around a coiled item is well known in order to maintain the item in the coiled configuration when stored. While not in the same field of endeavor the rubber band as utilized by Arthur solves the analogous problem of maintaining the coiled configuration when stored and this is sufficient to suggest utilizing a rubber band to maintain a coiled restraint in the coiled configuration when stored. Geisinger shows a substantially flat toothed flexible strap used as handcuffs or as leg restraints (col. 2, lines 52-56) and it would have been obvious to modify the prisoner restraint of Peden so that it is a handcuff that is coiled rather than a leg restraint joined to handcuffs in view of Geisinger teaching that it is well known to utilize handcuffs alone comprising a single toothed strap 2 with a single slot 3d so as to restrain a prisoner while permitting the prisoner to walk.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J.R. Brittain', with a stylized, cursive script.

James R. Brittain
Primary Examiner
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JRB
November 15, 2002